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Hon. Sandra J. Feuerstein
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: **Nicholson v. Diversified Collection Services, Inc.**
2:12-cv-00034 (SJF) (WDW)

Dear Judge Feuerstein:

I represent the Plaintiff herein. At the September 19, 2012 Conference before Your Honor, **Defendant** requested a Settlement Conference. The Court set October 15, 2012 as the Conference date.

By letter dated October 12, 2012, Defendant awakens to a defense, the bona fide error defense. This defense was raised in Defendant's Answer, its "Second Affirmative Defense." The bona fide error defense, 15 U.S.C. § 1692k(c) requires both that the purported error was unintentional and that there were procedures in place to avoid the error.

Defendant is fully aware that in its initial collection letter dated September 6, 2011 and in its follow up verification letter dated December 15, 2011, Defendant maintained that United Guaranty was the Original Lender. Therefore, the bona fide error fails as to both Mr. Nicholson and the putative class, as not one member of the putative class had its collection letter inspected for accuracy. Defendant was reminded on October 12, 2012 that Defendant requested the October 15, 2012 Settlement Conference and that Defendant published that United Guaranty was the original creditor on two distinct occasions. These facts did not stop Defendant from writing its October 12, 2012 letter, despite Defendant requesting the Settlement Conference.

At all times relevant, Defendant was required by Your Honor to disclose its net worth. To date it has not done so. Plaintiff respectfully requests that Defendant be Ordered to disclose its net worth.

Respectfully submitted,



Abraham Kleinman